

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF MARION	)	CIVIL ACTION NO: 2022-CP-33-_____
Frankie Woodberry,		)
		)
Plaintiff,		)
		)
vs.		)
		)
Dolgencorp, LLC a/k/a Dollar General		)
Corporation; Dollar General Store No.		)
14610; and Dollar General Risk		)
Management,		)
		)
Defendant.		)
		)

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TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is hereby served upon you, and to serve a copy of your answer to the said Complaint on the Plaintiff at his attorney's office, Post Office Box 13057, Florence, S.C. within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.

WUKELA LAW FIRM

BY: s/ Frank C. Swaggard  
 FRANK C. SWAGGARD  
 ATTORNEY FOR PLAINTIFF  
 POST OFFICE BOX 13057  
 FLORENCE, SOUTH CAROLINA 29504  
 843-669-5634

Florence, South Carolina  
 August 23, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF MARION	)	CIVIL ACTION NO: 2021-CP-33-_____
<hr/>		
Frankie Woodberry,	)	
	)	
	Plaintiff,	)
	)	
vs.	)	COMPLAINT
	)	
Dolgencorp, LLC d/b/a Dollar General	)	
Store No.14610,	)	
	)	
	Defendant.	)
<hr/>		)

The Plaintiff, Frankie Woodberry, by and through his undersigned counsel, hereby makes the following claims and allegations:

1. That the Plaintiff is a citizen and a resident of the county of Marion, state of South Carolina.
2. That the Plaintiff is informed and believes that the Defendant, Dolgencorp, LLC d/b/a Dollar General store No. 14610, at all times relevant to this action is a corporate entity
3. That the Plaintiff is informed and believes that Dollar General Store No. 14610 (“Dollar General Store 14610”) is a business entity of form located in the county of Marion, state of South Carolina. Dollar General Store is affiliated with or otherwise associated with, operated jointly with, was a subsidiary of, and/or otherwise was governed and controlled by Defendant Dolgencorp, LLC and is open to the public and operates as a general store.

JURISDICTION

4. Jurisdiction is proper under S.C. Code Ann. § 36-2-803 with this Court as Defendants transacts business in this state.

5. Venue is proper under S. C. Code Ann. § 15-7-30 (e) with this Court because the injuries sustained by Plaintiff occurred in the state of South Carolina in Marion County, where Dolgencorp, LLC is situated. Additionally, Plaintiff resides in Marion County.

FACTUAL ALLEGATIONS

4. That Dollar General Store 14610, invited the general public, including Plaintiff, to enter the premises of the store and to purchase various items.

5. That on or about October 30, 2019, the Plaintiff drove to Dollar General Store 14610, for the purpose of shopping.

6. That after arriving at Dollar General Store 14610, Plaintiff exited his vehicle and began to walk toward the store entrance.

7. That Plaintiff encountered a hole on the property maintained by Dollar General Store 14610 which caused him to fall to the ground causing him injury.

FOR A FIRST CAUSE OF ACTION  
(Negligence: Premises Liability against Defendant)

8. The Plaintiff re-alleges the above paragraphs by reference as if recounted at length herein.

9. That Plaintiff was a patron of Dollar General Store 14610 and a business invitee on Defendant's premises.

10. That Defendant owed the Plaintiff, as a business invitee, a duty to maintain the premises in a reasonably safe condition.

11. That the Defendant owed the Plaintiff a duty to use reasonable care to discover any risks on the premises and then either put the premises in a reasonably safe condition or warn the Plaintiff of the risk.

12. That Defendant's actions and failures to act amount to a breach of said duties as well as negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct in the following particulars, to wit:

- a. Creating an unsafe condition by failing to keep the maintain, repair, or otherwise keep in good condition the parking lot of Dollar General Store 14610;
- b. Failing to remedy the unsafe condition that the Defendant knew or should have known existed;
- c. Failure to warn the Plaintiff of the unsafe condition of the parking lot.

13. That the Defendant's actions and failures to act amount to negligence, gross negligence, carelessness, recklessness, willful and wanton conduct, and violations of state and federal safety rules, regulations, and laws.

14. That as a direct and proximate result of Defendant's negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct, the Plaintiff has suffered injuries and damages as hereinafter set out.

#### DAMAGES

15. That as a direct and proximate result of the above set out acts and omissions of the Defendants; the Plaintiff was damaged in the following particulars:

- a. Actual and Consequential damages resulting from Personal Injury, to wit:
  - (1.) disability, past and future;
  - (2.) pain and suffering, past and future;
  - (3.) stress, anguish and anxiety, past and future;
  - (4.) medical costs, past and future;

16. That in addition, the Plaintiff is informed and believes that he is entitled to an award of punitive damages in an amount to be determined by a jury.

**EXHIBIT 1**

WHEREFORE, the Plaintiff prays judgment for actual, consequential, and punitive damages against the Defendant, Family Dollar Stores of South Carolina, LLC, in an amount to be determined by a jury.

WUKELA LAW FIRM

BY: s/ Frank C. Swaggard  
FRANK C. SWAGGARD  
ATTORNEY FOR PLAINTIFF  
P.O. BOX 13057  
FLORENCE, SC 29504-3057

Florence, South Carolina

August 23, 2022

**EXHIBIT 1**

ELECTRONICALLY FILED - 2022 Nov 03 11:33 AM - MARION - COMMON PLEAS - CASE#2022CP3300451

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
                                  ) TWELFTH JUDICIAL CIRCUIT  
COUNTY OF MARION ) CIVIL ACTION NO: 2022-CP-33-00451  
  
Frankie Woodberry, )  
                                  )  
                                  Plaintiff, )  
                                  )  
                                  )  
                                  vs. ) AMENDED SUMMONS  
                                  )  
Dolgencorp, LLC d/b/a Dollar General )  
Store No.14610, )  
                                  )  
                                  Defendant. )  
                                  )  
\_\_\_\_\_ )

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is hereby served upon you, and to serve a copy of your answer to the said Complaint on the Plaintiff at his attorney's office, Post Office Box 13057, Florence, S.C. within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.

WUKELA LAW FIRM

BY: s/ Frank C. Swaggard  
FRANK C. SWAGGARD  
ATTORNEY FOR PLAINTIFF  
POST OFFICE BOX 13057  
FLORENCE, SOUTH CAROLINA 29504  
843-669-5634

Florence, South Carolina  
November 3, 2022

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
                                  ) TWELFTH JUDICIAL CIRCUIT  
COUNTY OF MARION ) CIVIL ACTION NO: 2022-CP-33-00451  
  
Frankie Woodberry, )  
                                  )  
                                 Plaintiff, )  
                                  )  
                                 vs. ) AMENDED COMPLAINT  
                                  )  
Dolgencorp, LLC d/b/a Dollar General )  
Store No.14610, )  
                                  )  
                                 Defendant. )  
                                  )  
\_\_\_\_\_

The Plaintiff, Frankie Woodberry, by and through his undersigned counsel, hereby makes the following claims and allegations:

1. That the Plaintiff is a citizen and a resident of the county of Marion, state of South Carolina.
2. That the Plaintiff is informed and believes that the Defendant, Dolgencorp, LLC d/b/a Dollar General store No. 14610, at all times relevant to this action is a corporate entity
3. That the Plaintiff is informed and believes that Dollar General Store No. 14610 (“Dollar General Store 14610”) is a business entity of form located in the county of Marion, state of South Carolina. Dollar General Store is affiliated with or otherwise associated with, operated jointly with, was a subsidiary of, and/or otherwise was governed and controlled by Defendant Dolgencorp, LLC and is open to the public and operates as a general store.

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**FACTUAL ALLEGATIONS**

6. That Dollar General Store 14610, invited the general public, including Plaintiff, to enter the premises of the store and to purchase various items.

7. That on or about October 30, 2019, the Plaintiff drove to Dollar General Store 14610, for the purpose of shopping.

8. That after arriving at Dollar General Store 14610, Plaintiff exited his vehicle and began to walk toward the store entrance.

9. That Plaintiff encountered a hole on the property maintained by Dollar General Store 14610 which caused him to fall to the ground causing him injury.

**FOR A FIRST CAUSE OF ACTION**  
**(Negligence: Premises Liability against Defendant)**

10. The Plaintiff re-alleges the above paragraphs by reference as if recounted at length herein.

11. That Plaintiff was a patron of Dollar General Store 14610 and a business invitee on Defendant's premises.

12. That Defendant owed the Plaintiff, as a business invitee, a duty to maintain the premises in a reasonably safe condition.

13. That the Defendant owed the Plaintiff a duty to use reasonable care to discover any risks on the premises and then either put the premises in a reasonably safe condition or warn the Plaintiff of the risk.

14. That Defendant's actions and failures to act amount to a breach of said duties as well as negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct in the following particulars, to wit:

- a. Creating an unsafe condition by failing to keep the maintain, repair, or otherwise keep in good condition the parking lot of Dollar General Store 14610;
- b. Failing to remedy the unsafe condition that the Defendant knew or should have known existed;
- c. Failure to warn the Plaintiff of the unsafe condition of the parking lot.

15. That the Defendant's actions and failures to act amount to negligence, gross negligence, carelessness, recklessness, willful and wanton conduct, and violations of state and federal safety rules, regulations, and laws.

16. That as a direct and proximate result of Defendant's negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct, the Plaintiff has suffered injuries and damages as hereinafter set out.

#### DAMAGES

17. That as a direct and proximate result of the above set out acts and omissions of the Defendants; the Plaintiff was damaged in the following particulars:

- a. Actual and Consequential damages resulting from Personal Injury, to wit:
  - (1.) disability, past and future;
  - (2.) pain and suffering, past and future;
  - (3.) stress, anguish and anxiety, past and future;
  - (4.) medical costs, past and future;

18. That in addition, the Plaintiff is informed and believes that he is entitled to an award of punitive damages in an amount to be determined by a jury.

**EXHIBIT 1**

WHEREFORE, the Plaintiff prays judgment for actual, consequential, and punitive damages against the Defendant, Family Dollar Stores of South Carolina, LLC, in an amount to be determined by a jury.

WUKELA LAW FIRM

BY: s/ Frank C. Swaggard  
FRANK C. SWAGGARD  
ATTORNEY FOR PLAINTIFF  
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FLORENCE, SC 29504-3057

Florence, South Carolina

November 3, 2022

ELECTRONICALLY FILED - 2022 Nov 03 11:33 AM - MARION - COMMON PLEAS - CASE#2022CP3300451

## EXHIBIT 1

ELECTRONICALLY FILED - 2022 Dec 01 12:11 PM - MARION - COMMON PLEAS - CASE#2022CP3300451

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 ) TWELFTH JUDICIAL CIRCUIT  
 COUNTY OF MARION ) CIVIL ACTION NO: 2022-CP-33-00451  
 Frankie Woodberry, )  
 ) Plaintiff, )  
 ) vs. )  
 )  
 Dolgencorp, LLC d/b/a Dollar General )  
 Store No.14610, )  
 ) Defendant. )  
 \_\_\_\_\_

Pursuant to Rule 4 of the SCRCR, Corporation Service Company, registered agent for Dolgencorp, LLC d/b/a Dollar General Store No.14610, was served with a certified copy of the Amended Summons and Complaint regarding the above-referenced matter on November 29, 2022 by certified mail, restricted delivery, return-receipt requested, as shown by the domestic return receipt numbered 7020 3160 0000 2394 9879, attached herein below:

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>																	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature   <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <b>Brittany</b> <input type="checkbox"/> C. Date of Delivery  <b>11/29/22</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes    If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>1. Article Addressed to:  <b>Corporation Service Company    508 Meeting Street    West Columbia, SC 29169</b></p> <p>9590 9402 7029 1225 3709 63</p> <p>2. Article Number (Transfer from service label)  <b>7020 3160 0000 2394 9879</b></p>		<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail																			
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																			

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

**EXHIBIT 1**

Florence, South Carolina  
December 1, 2022

WUKELA LAW FIRM

BY: s/ Frank C. Swaggard  
FRANK C. SWAGGARD  
ATTORNEY FOR PLAINTIFF  
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